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SENATE BILL 606

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO LOBBYIST REGULATION; CHANGING THE DEFINITION OF LOBBYING TO INCLUDE MATTERS BEING CONSIDERED BY THE EXECUTIVE BRANCH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 2-11-2 NMSA 1978 (being Laws 1977, Chapter 261, Section 2, as amended) is amended to read:

"2-11-2. DEFINITIONS.--As used in the Lobbyist Regulation Act:

A. "compensation" means any money, per diem, salary, fee or portion thereof or the equivalent in services rendered or in-kind contributions received or to be received in return for lobbying services performed or to be performed;

B. "expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or

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1 distribute any money or other thing of value, but does not
2 include a lobbyist's own personal living expenses and the
3 expenses incidental to establishing and maintaining an office
4 in connection with lobbying activities or compensation paid to
5 a lobbyist by a lobbyist's employer;

6 C. "legislative committee" means a committee
7 created by the legislature, including interim and standing
8 committees of the legislature;

9 D. "lobbying" means attempting to influence:

10 (1) a decision related to any matter to be
11 considered or being considered by the executive or legislative
12 branch of state government or any legislative committee or any
13 legislative matter requiring action by the governor or awaiting
14 action by the governor; or

15 (2) an official action;

16 E. "lobbyist" means any individual who is
17 compensated for the specific purpose of lobbying; is designated
18 by an interest group or organization to represent it on a
19 substantial or regular basis for the purpose of lobbying; or in
20 the course of [~~his~~] employment, is engaged in lobbying on a
21 substantial or regular basis. "Lobbyist" does not include:

22 (1) an individual who appears on [~~his~~] the
23 individual's own behalf in connection with legislation or an
24 official action;

25 (2) [~~any~~] an elected or appointed officer of

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1 the state or its political subdivisions or an Indian tribe or
2 pueblo acting in [~~his~~] the officer's official capacity;

3 (3) an employee of the state or its political
4 subdivisions, specifically designated by an elected or
5 appointed officer of the state or its political subdivision,
6 who appears before a legislative committee or in a rulemaking
7 proceeding only to explain the effect of legislation or a rule
8 on [~~his~~] the designated employee's agency or political
9 subdivision, provided the elected or appointed officer of the
10 state or its political subdivision keeps for public inspection
11 and files with the secretary of state such designation;

12 (4) [~~any~~] a designated member of the staff of
13 an elected state official, provided the elected state official
14 keeps for public inspection and files with the secretary of
15 state such designation;

16 (5) a member of the legislature, the staff of
17 [~~any~~] a member of the legislature or the staff of [~~any~~] a
18 legislative committee when addressing legislation;

19 (6) [~~any~~] a witness called by a legislative
20 committee or administrative agency to appear before that
21 legislative committee or agency in connection with legislation
22 or an official action;

23 (7) an individual who provides only oral or
24 written public testimony in connection with a legislative
25 committee or in a rulemaking proceeding and whose name and the

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1 interest on behalf of which [~~he~~] the individual testifies have
2 been clearly and publicly identified; or

3 (8) a publisher, owner or employee of the
4 print media, radio or television, while gathering or
5 disseminating news or editorial comment to the general public
6 in the ordinary course of business;

7 F. "lobbyist's employer" means the person whose
8 interests are being represented and by whom a lobbyist is
9 directly or indirectly retained, compensated or employed;

10 G. "official action" means the action or nonaction
11 of a state official or state agency, board or commission acting
12 in a rulemaking proceeding;

13 H. "person" means an individual, partnership,
14 association, committee, federal, state or local governmental
15 entity or agency, however constituted, public or private
16 corporation or any other organization or group of persons who
17 are voluntarily acting in concert;

18 I. "political contribution" means a gift,
19 subscription, loan, advance or deposit of [~~any~~] money or other
20 thing of value, including the estimated value of an in-kind
21 contribution, that is made or received for the purpose of
22 influencing a primary, general or statewide election, including
23 a constitutional or other question submitted to the voters, or
24 for the purpose of paying a debt incurred in any such election;

25 J. "prescribed form" means a form prepared and

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1 prescribed by the secretary of state;

2 K. "rulemaking proceeding" means a formal process
3 conducted by a state agency, board or commission for the
4 purpose of adopting a rule, regulation, standard, policy or
5 other requirement of general applicability and does not include
6 adjudicatory proceedings; and

7 L. "state public officer" means a person holding a
8 statewide office provided for in the constitution of New
9 Mexico."